

ENTERED

March 09, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FIDELIS J. BADAIKI,	§ CIVIL ACTION NO.
Plaintiff,	§ 4:20-cv-02216
	§
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
SCHLUMBERGER	§
HOLDINGS	§
CORPORATION, <i>et al</i> ,	§
Defendants.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Fidelis J. Badaiki brings claims for racial discrimination, hostile work environment, and retaliation under 42 USC § 1981, as well as for breach of his employment contract. Dkt 1-2 at 24–38. He was previously employed by Cameron International Corporation. He sues not only Cameron International, but also Defendants Schlumberger Holdings Corporation, Schlumberger Limited, Schlumberger Technology Corporation, Paal Kibsgaard, Olivier Le Peuch, Steve McKenzie, Jamilah Cummings, Marisa Henning, John Corkhill, Nathan Cooper, Ray Arbor, Jay Jurena, Ed Gaude, and Henry Weissenborn. He seeks actual damages, penalties, costs, and fees.

Badaiki proceeds here *pro se*. He initially brought action in Texas state court in February 2020. Dkt 1-2 at 1–4. He then amended his petition in June 2020. Id at 24–38. A number of Defendants removed the action shortly thereafter. Dkt 1. This action was later referred to Magistrate Judge Sam Sheldon for full pretrial management pursuant to 28 USC § 636(b)(1)(A) and (B) and Rule 72 of the Federal Rules of Civil Procedure. Dkt 14.

Badaiki moved to amend his pleadings and submitted a

proposed second-amended complaint. Dkts 9, 13. The Magistrate Judge allowed this. Dkt 54 at 5. The proposed second-amended complaint is thus the operative pleading. Dkt 13.

Arbor, Cameron International, Cooper, Corkhill, Kibsgaard, Le Peuch, Jurena, and the Schlumberger Defendants previously moved to dismiss the amended petition upon removal. Dkt 2. They renewed that motion as against the second-amended complaint. Dkt 22. The Magistrate Judge recommended denying both motions. Dkt 54 at 6–7. No party objected.

The district court conducts a *de novo* review of those conclusions of a magistrate judge to which a party has specifically objected. See 28 USC § 636(b)(1)(C); *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989). To accept any other portions to which there is no objection, the reviewing court need only satisfy itself that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1420 (5th Cir 1996); see also FRCP 72(b) Advisory Committee Note (1983).

The Court has reviewed the pleadings, the record, the applicable law, and the recommendation. No clear error appears on the face of the record.

The Court ADOPTS the Amended Memorandum and Recommendation as the Memorandum and Order of this Court. Dkt 54.

The motion and renewed motion to dismiss the first-amended complaint are DENIED. Dkts 2, 22.

SO ORDERED.

Signed on March 9, 2021, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge